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1ST DISTRICT, ILLINOIS



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**CONGRESS OF THE UNITED STATES**  
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June 15, 2022

The Honorable Merrick Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Garland:

I write to you extremely concerned about the alleged plot by white supremacists to attack a Pride event this past weekend and to urge that the U.S. Department of Justice (DoJ) thoroughly investigate whether those involved may have violated federal law.

On June 11<sup>th</sup>, local police in Coeur d'Alene, Idaho arrested 31 men who had crammed themselves into a U-Haul with shields and riot gear and were congregating near the city's Pride Parade.<sup>1</sup> The men have been identified as members of the Patriot Front, which the Anti-Defamation League has identified as a white supremacist group that is responsible for roughly 80 percent of all white supremacist propaganda.<sup>2</sup> According to news sources, the 31 men arrested in Idaho have been released on bond, charged only with the state-level misdemeanor "conspiracy to riot".<sup>3</sup> If the news reports are accurate, then, in my opinion, the idea that these men could escape felony charges flies in the face of equal protection under the law.

While I understand that the Federal Bureau of Investigation is investigating the case, and its inquiry remains ongoing, I wish to urge your Department to carefully examine whether or not the men committed federal crimes. 18 USC §2101, colloquially known as the "Anti-Riot Act" or "H. (Rap) Brown law", establishes travelling across state lines "to organize, promote, encourage, participate in, or carry on a riot; or... to commit any act of violence in furtherance of a riot" as a federal crime, punishable by a fine or up to five years of imprisonment.

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<sup>1</sup> Andy Rose, "31 people with ties to White nationalist group arrested for conspiracy to riot near a Pride parade in Idaho", CNN (June 12, 2022), <https://www.cnn.com/2022/06/11/us/31-people-arrested-for-conspiracy-to-riot-near-idaho-pride-parade/index.html>

<sup>2</sup> Anti-Defamation League, "Backgrounder: Patriot Front", (January 8, 2022), <https://www.adl.org/resources/backgrounders/patriot-front>

<sup>3</sup> Elizabeth Wolfe, "The 31 people arrested in Idaho have ties to a White nationalist group and planned to riot at a Pride event, police say. Here's what we know", CNN (June 13, 2022), <https://www.cnn.com/2022/06/13/us/idaho-patriot-front-arrests-pride-what-we-know/index.html>

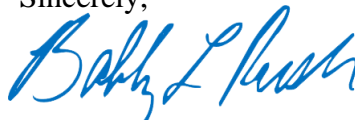
18 USC §2101 has a sordid history. The law was originally passed in 1968, after H. Rap Brown, one of the leaders of the Student Nonviolent Coordinating Committee, was arrested in Maryland on trumped-up charges, and white supremacists in the government were outraged that no Federal law existed to charge and further harass him with.<sup>4</sup> It was first deployed almost immediately to target the “Chicago 7”, and between 1970–2018 was only used to indict defendants four times. However, in 2020, the Trump Administration’s DoJ began to resurrect the law’s ugly legacy, abusing it by charging protestors in the wake of George Floyd’s murder based solely on the content of their social media posts.<sup>5</sup>

To be clear, the Department of Justice was wrong in those cases to use the law to harass peaceful protestors. However, the law’s ugly legacy can be overcome, and the law can be used for legitimate purposes to keep Americans safe.

Hate-infused attacks on minorities are odious and unacceptable, and crossing state lines with the intent of sparking a riot at a Pride parade is particularly heinous and — most importantly — it does not take any stretch of the imagination to see how that could violate the Anti-Riot Act. The recent rise in hate crimes targeting LGBTQ+ Americans, Jewish Americans, Asian Americans, Hispanic Americans, and other minority groups, along with the extreme prejudice that all too many Americans still face from some corners of society, just increases the urgency with which the DoJ must act to protect Americans from planned, coordinated attacks with its full abilities under the law.

The DoJ has used the Anti-Riot Act to commit injustices in the past. To not thoroughly investigate whether the mob targeting the Pride parade in Idaho this past weekend violated the Anti-Riot Act would simply constitute exchanging one set of injustices for another. It would be simply intolerable, and I urge your Department to thoroughly investigate whether or not a federal crime was committed, and, if so, to prosecute the offenders to the fullest extent of the law.

Sincerely,



Bobby L. Rush  
Member of Congress

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<sup>4</sup> Eric Halliday, “The Federal Government’s Aggressive Prosecution of Protestors”, Lawfare (July 13, 2020), <https://www.lawfareblog.com/federal-governments-aggressive-prosecution-protestors>

<sup>5</sup> Cyrus Farivar and Olivia Solon, “FBI trawled Facebook to arrest protestors for inciting riots, court records show”, NBC News (June 19, 2020), <https://www.nbcnews.com/tech/social-media/federal-agents-monitored-facebook-arrest-protesters-inciting-riots-court-records-n1231531>